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REMARKS

Reconsideration of the above application is respectfully requested.

This Amendment is responsive to the Office Action issued with respect to the above application on April 14, 2005. Following issuance of that Office Action, there were six claims pending in the application – claims 2 through 6 and claim 8. In the Office Action the Examiner allowed claims 2 through 4 and rejected claims 4, 6 and 8. By this Amendment, Applicants are canceling claims 5 and 6 to expedite allowance of the remaining claims and traversing the rejection of claim 8. Applicants reserve their right to prosecute the subject matter of cancelled claims 5 and 6 in subsequent divisional applications.

The Examiner rejected claim 8 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants claim as their invention. Specifically, the Examiner stated that the phrase “isolated form” in claim 8 is not defined by the claim, that the specification does not provide a standard for ascertaining the requisite degree of isolation and that one of ordinary skill in the art would not necessarily be apprised of the scope of the invention. For the reasons that follow, Applicants respectfully traverse this rejection.

Applicants respectfully submit that one of skill in the art would understand, from the accepted meaning of “isolated” in the art, as pertains to products of chemical reactions, and from reading the specification of the above application, that claim 8, which reads, “A compound according to claim 2 where the compound is in isolated form”, embraces a compound according to claim 2 that has been separated from the reaction mixture in which it was prepared in a purity attainable by the use of liquid chromatography or another separation method that is well known in the art. The experimental examples refer to “isolation” of a single compound according to claim 2, or of a 3:1 mixture of two compounds according to claim 2, using liquid chromatography. Examples 1, 3 and 4 refer to the synthesis and isolation by HPLC of single compounds claimed in claim 2 in purity levels of 79%, 70% and 76%, respectively. Example 5 refers to a 3:1 mixture of two of the compounds claimed in claim 2 that were “isolated” using a “modified HPLC method”, the conditions of which are specified in Figure 3, without specifying a purity level for the mixture. Notwithstanding that the specification does not provide purity levels for the exemplified mixtures, Applicants submit that it would be clear to those of skill in the art, from the Examples referred to

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above, that the Applicants meant "isolated" to mean separated from the reaction mixture in which it was prepared in a purity attainable by the use of liquid chromatography or another separation method that is well known in the art. Therefore, Applicants respectfully submit that claim 8 is in compliance with 35 U.S.C. 112, second paragraph and request that the rejection against it be withdrawn.

Applicants respectfully submit that the present application is in condition for allowance, said respectfully request that it be allowed to issue.

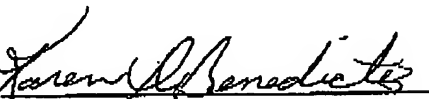
The Commissioner is authorized to charge any fee or credit any over payment in connection with this communication to our Deposit Account No. 23-0455.

Respectfully submitted,

Date:

8/15/05

By:



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